



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,438	09/28/2000	Todd O. Burger	C1068/7005	9912

7590 07/28/2003

Randy J. Pritzker
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/675,438

Applicant(s)
Todd O. Burger et al.

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/12/2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-137 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-137 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

Art Unit: 3621

DETAILED ACTION
RESPONSE TO AMENDMENT

1. This Office action is in response to Applicant's amendment filed on 05/12/2003.
2. Claims 1-137 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-137 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Wang (U.S. pat. No. 6,282,656) in view of Smith (U.S. pat. No. 6,012,636).

As per claims 1, 4-6, 9-12, 14-34, 37, 38, 40-56, 58-60, 63, 67, 70, 72-79, 82 and 86-137 Wang substantially discloses a method/apparatus for completing a transaction request pertaining to an electronic transaction conducted over an electronic network having a server and a requesting device (which is seen to read as Applicant's claimed invention wherein it is stated that an apparatus), comprising:

a housing (see., figs 1 and 2, col 2, lines 3-29, item 102);

a user authenticator, support by the housing, that authenticates an identity of a user (see., figs 1 and 2, item 200, col 4, lines 46-67);

Art Unit: 3621

at least one memory, supported by the housing, that stores transaction information for at least first and second media (see., figs 1 and 2, items 104, 202, and 200, col 2, lines 3-67, col 4, lines 46-67, col 5, lines 1-25);

at least one output, supported by the housing, that releases at least a portion of the transaction information to a point-of-sale (POS) terminal after the user authenticator has authenticated the identity of the user (see., figs 1 and 2, col 1, lines 17-39, col 3, lines 21-35, specifically wherein it is stated that the method includes receiving from the server at the requesting device a transaction program, which includes an executable portion). It is to be noted that Wang fails to explicitly disclose a first information and a second information that identify a first media and a second media. However, Smith discloses a first memory and a second memory (or first and second information) for storing data unique to a user and for storing provider data see., abstract, lines 2-12, col 4, lines 33-51, Smith further discloses the limitation of displaying a visual indication to the user see., abstract, lines 8-12, specifically wherein it is stated scanner for imaging (or displaying) of a fingerprint for comparison with the digital representation of the user's fingerprint for identification of the proper user). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Wang by including the limitations detailed above because such modification would verify that the individual is the person authorized for the subject use, access or right.

Art Unit: 3621

As per claims 2, 3, 7, 8, 13, 39, 57, 71, Wang discloses the claimed limitations wherein the user authenticator comprises means for authenticating the identity of the user by analyzing a bio-metric feature of the user (see., col 15, lines 42-55, specifically wherein said user's facial image, finger print and so on).

As per claim 35, 36, 61, 62, 64, 65, 66, 68, 69, 80, 81, 83, 84 and 85 Wang discloses the claimed limitations of simulating a magnetic stripe readable by a point-of-sale terminal (see., col 15, lines 30-40, specifically credit card, and credit card reader have magnetic stripe or bar code).

Conclusion

5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

Application/Control Number: 09/675,438

Page 5

Art Unit: 3621

(703) 305-7687


Pierre Eddy Elisca

Patent Examiner

July 23, 2003